

**ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
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MAJOR CITIES CHIEFS ASSOCIATION
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NATIONAL SHERIFFS ASSOCIATION**

May 9, 2007

The Honorable Kevin Martin
Chairman
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

RE: WT Docket 02-55

Dear Chairman Martin:

As you know, our organizations have been working hard with the Commission and other stakeholders to keep the 800 MHz rebanding effort on track.

One of the major problems with the process has been the hundreds of protracted negotiations between Sprint Nextel and public safety licensees regarding the cost of planning for and implementing the rebanding of their 800 MHz radio systems. A root cause of many of the disputes is Nextel's narrow interpretation of a statement in paragraph 198 of the Commission's *Report and Order* that licensees certify that "the funds requested are the minimum necessary to provide facilities comparable to those presently in use." Sprint Nextel recently explained that it views this standard as requiring the "absolute lowest cost" for rebanding and that it "is in the position of having to challenge virtually every dollar spent on band reconfiguration to assure compliance with 'minimum cost.'" (Sprint Nextel *ex parte* letter, April 20, 2007). That recent admission is consistent with the experience of many public safety licensees, who have been forced to devote scarce time and resources to justifying costs to excruciating detail. Months and hundreds of thousands of dollars are being wasted in sometimes bitter negotiations, frequently over relatively small differences between licensees' estimates and Nextel's offers.

Therefore, we are pleased to hear that the Commission is currently considering an order to address this issue. We urge the Commission to proceed quickly and to take appropriate steps to permit rapid resolution of rebanding disputes, without parties having to battle over every dollar of estimated cost. Each day that the current situation continues is another day that public safety personnel are being forced into unnecessary disputes, draining time and resources that should be focused on managing and operating critical public safety communications systems.

We look forward to continuing to work with the Commission on this and other important public safety issues.

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